REMARKS/ARGUMENTS

Claims 1-37 are pending, and claims 1-9 are under consideration in the instant office action. Claims 4, 5, and 8 through 37 have been canceled without prejudice to Applicants' right to prosecute the subject matter of the claims in a related, co-pending application. Claims 1, 6 and 7 have been amended. Support for these amendments is identified in the following remarks. New claim 38 has been added. No new matter is added by these amendments and added new claim 38.

The Examiner has alleged that claim 1 of the application encompasses an invention nonelected with traverse in the election dated May 15,2006. Further, the Examiner has asserted that for a complete reply to the final rejection removal of non-elected subject matter from the claims or other appropriate action is required.

Applicants do not believe that restriction as required by the Examiner is proper as argued previously, but in order to further expedite prosecution of certain subject matter disclosed and claimed in the instant application, claim 1 is amended to read on the elected invention wherein the mutant p27 gene is located at the endogenous p27 locus resulting in a loss of endogenous, wild-type p27. In making this amendment claims 4 and 5 are now of the same scope as claim 1 and have been cancelled.

Specification

Applicants note that the objection to the disclosure is withdrawn because the originally filed first paragraph of the specification has been moved such that the priority information is now at the first line of the specification.

Claim Objections

The Examiner has objected to Claim 9 as being dependent upon a rejected base claim, and the Examiner has further noted that Claim 9 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As further discussed below, Applicants do not agree with the rejection of claims 1-8 under 35 U.S.C. § 112, first paragraph, but have amended claim 1 to further expedite prosecution of certain subject matter disclosed and claimed in the application. As the subject matter of claim 9 has been incorporated into amended claim 1, claim 9 has been cancelled.

Rejections Under 35 U.S.C. §112

Claims 1-8 remain rejected under 35 U.S.C. §112, first paragraph, because as alleged by the Examiner the specification, while being enabling for 1) an isolated transgenic somatic cell or ES cell or 2) an isolated transgenic mouse primordial germ cell, oocyte, egg, spermatocyte, sperm cell, fertilized egg, zygote, each having a mutant p27 gene lacking a Cdk2 phsphorylation site located at the endogenous $p27^{Kip1}$ locus, wherein the mutant p27 gene encodes a mutant $p27^{Kip1}$ polypeptide having a longer half-life in S phase that wildtype $p27^{Kip1}$ polypeptide, does not reasonably provide enablement for a non-mouse primordial germ cell, oocyte, egg, spermatocyte, sperm cell, fertilized egg, or zygote as claimed. The Examiner believes that the specification does not enable any person skilled in the art to which it pertains or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims. The Examiner has withdrawn the rejection as it related to claim 9.

Applicants maintain their position in regard to the rejection of claims 1 through 8 and strongly disagree with the remarks of the Examiner. But, in order to further expedite prosecution of certain subject matter disclosed and claimed in the application claim 1 has been amended to recited that the transgenic cells are somatic and embryonic stem cells and that the p27 gene mutated is the endogenous p27 gene. Claim 1 has been further amended to recite that the mutation results in the loss of wild-type p27 function. The Examiner has conceded that the

specification enables claims of this scope. As the limitations of claim 9 have been incorporated into claim 1, claim 9 has been cancelled.

Claim 8 remains rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner has alleged that the claim remains entirely unclear. In particular, the Examiner alleges that it is not clear how the cell of claim 1 can comprise progeny of a second cell.

Although Applicant does not agree that Claim 8 is unclear, claim 8 has been cancel without prejudice in order to further expedite prosecution of certain subject matter disclosed and claim in the application.

Further, new Claim 38 has been added. Claim 38 is directed to having a mutant endogenous $p27^{Kip1}$ gene lacking a Cdk2 phosphorylation site, wherein the mutant $p27^{Kip1}$ gene encodes a mutant $p27^{Kip1}$ polypeptide having a longer half-life in S phase than wild-type $p27^{Kip1}$ polypeptide. Claims 6 and 7 have been amended to be dependent from claim 38 instead of claim 1. The Examiner has conceded that the specification describes and enables transgenic murine cells as recited and particularly those cells that are transgenic murine primordial germ cells, oocytes, eggs, spermatocytes, sperm cells, fertilized eggs, zygotes, or embryonic stem cells. Also, transgenic murine cells that are an oocyte, fertilized egg, sperm cell or spermatocyte are fully described and enabled by the specification as filed.

Applicants respectfully request that the Examiner reconsider and withdraw the rejection of the pending claims under 35 U.S.C. § 112, first paragraph in light of the above amendments and remarks.

Rejections Under 35 U.S.C. §102

Applicants acknowledge that the rejection of Claims 1-7 and 9 under 35 U.S.C. §102(a) as being anticipated by Malek *et al.* [IDS, September 2001] has been withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

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